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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JTMERC LLC,

Plaintiff,

-against-

ANGLO IRISH BANK CORPORATION
LIMITED,

Defendant.

Case No.: 11-CIV-605 (NRB)

**PLAINTIFF'S LOCAL CIVIL RULE 56.1
STATEMENT OF UNDISPUTED MATERIAL FACTS**

The following is the statement of undisputed material facts pursuant to Local Civil Rule 56.1 of the plaintiff, JTMERC LLC ("JTMERC"), as to which there is no genuine issue of material dispute:

1. JTMERC entered into a mortgage loan sale agreement dated October 1, 2010 (the "Agreement") with defendant Anglo Irish Bank Corporation Limited ("Anglo Irish"). (Affidavit of Jacob Toll, sworn to on May 9, 2011 (the "Toll Aff."), at ¶ 2, Exh. A.)¹
2. The Agreement was prepared by Anglo Irish. (Toll Aff., at ¶ 4.)
3. JTMERC has not executed any modification or amendment of the Agreement. (Toll Aff., at ¶ 7.)

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Agreement.

4. JTMERC did not waive its right to proration of the Loan Purchase Price under Section 2.04 of the Agreement. (Toll Aff., at ¶ 7.)

5. JTMERC did not waive its right to rely upon the representations and warranties given by Anglo Irish under Section 4.01(e) of the Agreement. (Toll Aff., at ¶ 7.)

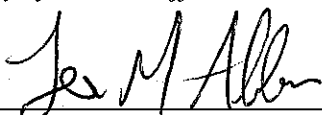
6. The closing under the Agreement took place on October 25, 2010. (Toll Aff., at ¶ 8.)

7. After the effective date and execution of the Agreement, Anglo Irish applied a \$250,694.95 escrow deposit being held in connection with the Loan against the principal balance otherwise due thereunder. (Toll Aff., at ¶ 9, Exh. C; Anglo Irish's March 18, 2011 answer (the "Answer"), at ¶¶ 10, 46-47.)

8. JTMERC fully performed all of its obligations under the Agreement. (Toll Aff., at ¶ 11; Answer, at ¶ 22.)

Dated: Garden City, New York
May 9, 2011

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